

**CLARK COUNTY
CLEAN WATER COMMISSION
Meeting Notes**

Wednesday, June 7, 2006

6:30 – 8:30 P.M.

Public Works Operations Conference Room B-1
4700 NE 78th Street, Vancouver

Clark County Clean Water Commission Members Present

Tim Crawford, Robert Even, Don Moe, Patty Page, Susan Rasmussen, Virginia van Breemen, Ron Wilson

Clark County Clean Water Commission Members Absent

Bill Owen, Art Stubbs

Clark County Staff

Trista Kobluskie, Earl Rowell, Fereidoon Safdari, Jeff Schnabel

Public

Thom McConathy

A quorum was achieved.

Call to Order

Introduction

The members of the Clark County Clean Water Commission, the public, and Clark County staff introduced themselves. The meeting was then called to order.

Agenda and material review

The packet includes:

1. June 7, 2006 meeting agenda
2. May 3, 2006 meeting notes
3. Clean Water Program Events Calendar June – December
4. Letters from BOCC appointing Don Moe and re-appointing Robert Even to the Commission
5. articles from *The Columbian*
6. hard copy of Stormwater Basin Planning web page
7. correspondence from BOCC to Department of Ecology regarding upcoming NPDES permit
8. correspondence between CWC and BOCC, and BOCC and EPA, regarding the Troudale Sole Source Aquifer Petition
9. cover page from draft Clean Water Commission Orientation Packet
10. 2005-06 budget and expenditures as of April 30, 2006
11. requests for work sessions with BOCC to review the SCIP and for CWC to presents its Annual Report
12. Watershed Stewards Program First Quarter Report 2006
13. Small Acreage Landholder Outreach Program First Quarter Report 2006



Approval

The May 3, 2006 meeting notes were approved as written.

Communications with the Public

Mr. Safdari is a Stormwater Engineer for Clark County Public Works, Water Resources section; he was previously a development review engineer for the Department of Community Development. Mr. Safdari elaborated on Item 5 in the packet, the “Ground Control” article from *The Columbian* newspaper.

Mr. Safdari explained why infiltration is not always feasible for disposal of stormwater runoff, although county development code encourages it. Because of this conflict, and because infiltration facilities are frequently less expensive to build, several developments have been built recently with infiltration facilities that have failed. Examples are the Fairfield subdivision in Hazel Dell, mentioned in the article, and the Thomas Jefferson Middle School.

Mr. Safdari recommended several potential solutions to the problem:

1. Require standard methodology for soil infiltration tests
2. Require applying higher than minimum Safety Factor (SF) when designing infiltration facility in areas with marginal soils.
3. Map areas where use of infiltration for stormwater disposal is restricted or prohibited due to incompatible soil conditions
4. Encourage Community Development to require longer warranty periods, such as four or five years as state law allows, to ensure that stormwater facilities function as designed before the county takes ownership and accepts maintenance responsibility.

These solutions would require revisions to the current development code.

Mr. Rowell noted that the development code may be revised after the new NPDES permit is issued later this year. The revisions will require discussions with the engineering and development communities.

Mr. McConathy stated that code revisions should be done as a public process, not behind closed doors between the regulators and the regulated. He also stated that maintenance, including removal of fine sediments, must be required as part of the development code in order to ensure continued water quality benefit from infiltration facilities.

Mr. Rowell replied that engineering and design, construction, and maintenance would all be reviewed.

Mr. McConathy stated that Clark County Operations staff itself has inadvertently destroyed stormwater facilities through incorrect maintenance. Mr. Rowell responded that the new NPDES permit will likely require more thorough training of development review, inspection, enforcement, and maintenance staff.

Public Comments

Mr. McConathy requested that the County build upon previous efforts to map roadside ditches that are contiguous to waters of the state or wetlands.

Mr. McConathy suggested that the County begin to work with other jurisdictions, such as Vancouver, to control nutria and other invasive species. Nutria, for instance, can completely destroy plantings that are key to streamside restoration projects and some stormwater facilities.

Mr. Rowell indicated that Clean Water Fee revenue cannot be used for such projects because it is not directly related to meeting NPDES requirements.

Ms. Page asked why. Mr. Rowell replied that the Prosecuting Attorney's Office has indicated that Clean Water Fees may be used only for projects with a direct nexus to stormwater discharge or runoff. Mr. Wilson indicated that nutria can create an erosion problem, which is subject to NPDES requirements. Ms. van Breemen indicated that nutria and other invasives such as knotweed are secondary to the problem – they are not water or stormwater. Mr. Rowell indicated that Water Resources can partner with other county departments and/or other agencies such as Fish & Wildlife to work on projects that jointly treat or dispose of stormwater and control invasive species such as nutria.

Mr. Rowell stated that several lawsuits have already challenged the validity of the Clean Water Fee, and the county must be very careful to spend money from the fund only on projects that are directly related to NPDES permit requirements.

Mr. Moe suggested that it would be helpful for Senior Prosecuting Attorney Bronson Potter to speak on what Clean Water Fee monies may and may not be used for at an upcoming meeting.

Old Business

Clark County Response to Ecology's February 15 Draft NPDES Permit

Mr. Rowell stated that item 7 in the packet is the letter from Commissioner Marc Boldt to Ecology commenting on the draft NPDES permit. Along with Seattle, WSDOT, Snohomish, King, and Pierce counties, Clark County is concerned that additional requirements for reporting and BMP monitoring will be expensive to implement and will not result in improvements to water quality. Also, prescriptive measures leave little flexibility for our stormwater management plan.

Mrs. Rasumussen asked why Ecology chose that route. Mr. Rowell responded that Ecology does not want to write separate permits for each jurisdiction.

Mr. McConathy criticized the county's comments, indicating that the county is joining Snohomish, King, and Pierce counties in trying to circumvent the NPDES permit. He stated that the current draft of the NPDES permit is much better than the previous permits issued.

Sole Source Aquifer Petition

Mr. Rowell stated that the BOCC wrote a letter to EPA in response to the CWC's request that it support the Sole Source Aquifer Petition. The county requested more information about how the Sole Source Aquifer designation for the Troutdale Aquifer would further protect drinking water quality in the county.

Orientation Packet for New Commissioners

Mr. Rowell passed around a draft orientation packet for new Clean Water Commissioners. Please provide your comments on the packet to Mr. Rowell or Ms. Kobluskie.

2005-06 Budget

Regarding Item 10, Mr. Rowell said that the pie chart shows the final 2005-06 budget of \$13,304,567 for the Clean Water Program. This includes a supplemental package for construction of the Curtin Creek facility, which is now on hold. The next pages show expenditures as of April 30, 2006.

2006 Discussion Topics: Presentations and Updates

2007-08 Budget Development

Mr. Rowell stated that staff is creating decision packages to request additional funds for expenses and ongoing activities in the next biennium. The current budget level of \$13.3 million hopefully will remain as the baseline budget for the program. Staff will submit the decision packages to the Director of Public Works, who will then submit the entire Public Works budget to the County Administrator.

Mr. McConathy noted that the Clean Water Commission should have some influence on the development of the Clean Water Program budget. Mr. Rowell replied that the BOCC will take public comment on the budget before adopting it; the CWC also may make recommendations to the BOCC at any time.

LID

Mr. Rowell will meet with Sue Stephan of Community Development tomorrow to try to get going on a proposal for a Low Impact Development pilot project. Ms. Page asked where a developer could go to look for LID guidelines. Mr. Rowell replied that the development code allows for experimental BMPs, which would include LID. Mr. Moe indicated that it is difficult to get experimental BMPs approved by Community Development. [Factual Note: the *draft* Phase I permit states, "The program must allow non-structural preventive actions and source reduction approaches such as Low Impact Development Techniques (LID), measures to minimize the creation of impervious surfaces, and measures to minimize the disturbance of soils and vegetation."]

Mr. McConathy stated that LID is required in the new NPDES permit. Mr. Rowell stated that LIDs are allowed in the new permit. Mr. Safdari stated that LIDs are encouraged in the new permit.

Mrs. Rasmussen asked if any county projects could be used as an example of LID. Mr. Rowell replied that the Operations center had installed a collection device to collect oil and hydrocarbon runoff. Mr. Schnabel stated that the BMP had been fairly successful.

Mr. McConathy recommended that the CWC visit a self-mowing grass parking lot in Portland.

Mr. Safdari indicated that a limiting factor for LID is soil conditions – soils must be suitable for infiltration for LID to work.

Mr. Schnabel stated that many jurisdictions have implemented LID, so there are resources for how code should read and methods for changing code to allow LID.

Events

Ms. van Breemen reviewed the June 7 work session in which staff updated the Board of County Commissioners about the Stormwater Capital Improvements Program (SCIP) planning process. The Board asked several questions regarding evaluation criteria and projects, and requested another work session.

Heads Up

Mr. Rowell distributed a *Heads Up* flyer mailed by Public Works to property owners surrounding the NE 199th Street/NE 29th Avenue Stormwater Project (formerly known as Gabbert), which will be constructed this summer. The project will recreate a wetland headwaters area for Mill Creek.

Mr. Moe suggested that Clean Water Program information be included on the fliers when the program is paying for a construction project. The group agreed.

Adjourn

The meeting adjourned at 8:00 P.M.

Action Items

- Review packet items 12 and 13 (Watershed Stewards and Small Acreage reports) before next meeting – Commissioners
- Review the draft Orientation Packet and provide feedback to Mr. Rowell or Ms. Kobluskie – Commissioners
- Prepare a copy of the LID Resources CD for Mr. Moe – staff
- Attend the June 21, 2006 work session with the Board of County Commissioners to present the Clean Water Commission 2005 Annual Report – Commissioners and staff

Next Meeting

The next meeting of the Clean Water Commission will be held on Wednesday, July 5, 2006 from 6:30 P.M. – 8:30 P.M. The location is the Public Works Operations Conference Room B-1, 4700 NE 78th Street, Vancouver.

Respectfully Submitted,
Trista Kobluskie

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